

# INTERVENTION



0000013217

## BISKIND, HUNT & TAYLOR, P.L.C.

KARRIN KUNASEK TAYLOR, P.C.  
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November 15, 2004

### VIA HAND DELIVERY

Ernest G. Johnson  
Director of Utilities  
Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Arizona Corporation Commission  
**DOCKETED**

NOV 15 2004

DOCKETED BY	
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**Re: Arizona Power Plant and Transmission Line Siting Committee (Docket No. L-00000B-04-0126); Motion for Leave to Intervene**

Dear Mr. Johnson:

Attached hereto is a copy of a Motion for Leave to Intervene (the "Motion") to the Arizona Power Plant and Transmission Line Siting Committee relative to its review of a request by Salt River Project Agricultural Improvement and Power District for a Certificate of Environmental Compatibility filed with the Arizona Corporation Commission (the "ACC") as Docket No. L-00000B-04-0126.

We are also filing thirty (30) copies of the Motion with the Docket Control of the ACC.

Sincerely,

Karrin Kunasek Taylor, Esq.

enclosure

cc: ACC Docket Control (30 copies)

cc (via U.S. Mail):

Ernest G. Johnson, Director of Utilities, Arizona Corporation Commission  
Laurie Woodall, Esq., Office of the Attorney General  
Kelly J. Barr, Esq., Salt River Project  
Laura Raffaelli, Esq., Salt River Project, Legal Services Department  
Kenneth C. Sundolf, Jr., Esq., Jennings, Strouss and Salmon  
Lisa A. Vandenberg, Esq., Arizona Corporation Commission  
Roger K. Ferland, Esq., Quarles and Brady Streich Lang

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Ernest G. Johnson

Docket No. L-00000B-04-0126

Page 2

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3 TELEPHONE 602-955-4433

4 Attorney for Proposed Intervenor  
Karrin Kunasek Taylor, Esq., State Bar No. 016044  
5

6 BEFORE THE ARIZONA

7 POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

8 IN THE MATTER OF THE APPLICATION )  
9 OF SALT RIVER PROJECT )  
10 AGRICULTURAL IMPROVEMENT AND )  
11 POWER DISTRICT ON BEHALF OF )  
12 ITSELF AND ARIZONA PUBLIC SERVICE )  
13 COMPANY, SANTA CRUZ WATER AND )  
14 POWER DISTRICTS ASSOCIATION, )  
15 SOUTWEST TRANSMISSION )  
16 COOPERATIVE, INC. AND TUCSON )  
17 ELECTRIC POWER IN CONFORMANCE )  
18 WITH THE REQUIREMENTS OF )  
19 ARIZONA REVISED STATUTES SECTION )  
20 40-360, et. seq., FOR A CERTIFICATE OF )  
21 ENVIRONMENTAL COMPATIBILITY )  
22 AUTHORIZING THE CONSTRUCTION OF )  
23 THE PINAL WEST TO SOUTHEAST )  
24 VALLEY/BROWNING PROJECT, )  
25 INCLUDING THE CONSTRUCTION OF )  
26 TRANSMISSION LINES FROM PINAL )  
WEST TO THE BROWNING SUBSTATION )  
AND OTHER INTERCONNECTION )  
COMPONENTS IN PINAL AND )  
MARICOPA COUNTIES, ARIZONA. )

Docket No.: L-00000B-04-0126

Case No. 126

MOTION FOR LEAVE TO INTERVENE BY  
PIVOTAL SANDIA, LLC, an Arizona limited  
liability company; FIRST AMERICAN TITLE  
COMPANY, a California corporation, AS  
TRUSTEE OF ITS TRUST NO. 8572; FIRST  
AMERICAN TITLE COMPANY, a California  
corporation, AS TRUSTEE OF ITS TRUST  
NO. 8573; FIRST AMERICAN TITLE  
COMPANY, a California corporation, AS  
TRUSTEE OF ITS TRUST NO. 8574;  
WUERTZ FARMING LIMITED COMPANY,  
an Arizona limited liability company;  
SUNDANCE FARMS LIMITED  
PARTNERSHIP, LLP, an Arizona limited  
liability partnership; MCKINNEY FARMING  
COMPANY, an Arizona general partnership;  
SARAH WUERTZ individually; GREGORY  
WUERTZ individually; CAROL WUERTZ  
BEHRENS individually; AND DAVID  
WUERTZ individually

1  
2 Pursuant to A.R.S. § 40-360.05.A and Arizona Administrative Code R14-3-204, et seq.,  
3 Pivotal Sandia, LLC, an Arizona limited liability company ("Pivotal"), First American Title  
4 Company, a California corporation, as Trustee of its Trust No. 8572; First American Title  
5 Company, a California corporation, as Trustee of its Trust No. 8573; First American Title  
6 Company, a California corporation, as Trustee of its Trust No. 8574; Wuertz Farming Limited  
7 Company, an Arizona limited liability company; Sundance Farms Limited Partnership, LLP, an  
8 Arizona limited liability partnership; McKinney Farming Company, an Arizona general  
9 partnership; Sarah Wuertz individually; Gregory Wuertz individually; Carol Wuertz Behrens  
10 individually; and David Wuertz individually (collectively, "Wuertz") hereby apply to the  
11 Arizona Power Plant and Transmission Line Siting Committee (the "Committee") for an order  
12 granting Pivotal and Wuertz leave to intervene in the above-captioned proceeding. The  
13 Committee should grant Pivotal and Wuertz leave to intervene because Pivotal and Wuertz will  
14 be directly and substantially affected by the Preferred Alignment (the "Preferred Alignment")  
15 proposed by Salt River Project Agricultural Improvement and Power District ("SRP") in its  
16 Application for a Certificate of Environmental Compatibility ("CEC") in the above-captioned  
17 matter.

18 Pivotal is the developer and Wuertz is the owner of approximately 3,200 acres of  
19 property currently located within Pinal County (the "County"). The property is generally  
20 bounded by the West London Road on the north, Woodruff Road on the south, Signal Peak Road  
21 on the west and Macrea Road on the east (the "Property").

22 The Property is being proposed for development as a mixed-use master planned  
23 community generally known as "Sandia". A request to annex to the City of Coolidge, an  
24 Arizona municipal corporation (the "City") was filed on June 30, 2004 and on September 13,  
25 2004, the City Council approved the blank annexation petition. On November 8, 2004, the City  
26

1 approved an amendment to the City General Plan to designate the Property as Master Planned  
2 Community. In addition, on October 28, 2004, Pivotal and Wuertz filed a request for a Planned  
3 Area Development ("PAD") application with the City. This designation will allow Pivotal to  
4 develop the Property with approximately 12,000 residential units and 2,000,000 square feet of  
5 commercial/mixed-use space. Pivotal also intends to design Sandia around an integrated parks  
6 and open space system that will function as a unifying amenity for the community as well as  
7 providing open space, drainage and recreational uses. Additionally, on May 14, 2004, Pivotal  
8 filed a request to amend the County Comprehensive Plan to designate the Property as Urban  
9 Area. The County Planning and Zoning Commission recommended approval of the request on  
10 October 28, 2004 and the Board of Supervisors will hear the request on December 1, 2004.

11 Pivotal is engaged in the detailed planning of infrastructure and amenities for the  
12 Property which will include areas for parks and schools as well as an electrical substation and  
13 sewage treatment plant to serve the future residents. Approval of the PAD is anticipated to occur  
14 in January 2005 with construction of the project anticipated to occur in May 2005. New home  
15 sales are expected to begin in the 4<sup>th</sup> Quarter of 2006.

16 The Preferred Alignment proposed by SRP and identified in the CEC application is  
17 approximately one quarter mile east of Curry Road and along the western boundary of the  
18 Property between Woodruff Road to Bechtel Road and then east across the Property for  
19 approximately one mile effectively bifurcating the Property and as such will have a direct and  
20 substantial impact on the quality and value of development proposed at Sandia. Moreover, the  
21 Preferred Alignment creates new transmission line corridors in the immediate area where none  
22 currently exist which will have a significant detrimental impact on the scenic quality of the  
23 surrounding area.

24 Pivotal and Wuertz support the Eleven Mile Corner Road Segment Option as identified in  
25 the application for CEC and which is located in the southeastern portion of the project study area  
26

1 as it poses a significantly smaller impact on the Property, will not have the negative visual  
2 impacts on the area, and is the most cost efficient route for SRP and its ratepayers.

3 Pivotal and Wuertz's intervention in the above referenced matter will not broaden the  
4 issues or cause any undue delay in these proceedings.

5 For the reasons outlined above, Pivotal and Wuertz respectfully request that the  
6 Committee grant its Motion for Leave to Intervene in this matter and request that it be accorded  
7 all rights as Intervenor in accordance with A.A.C. R14-3-204 et seq. Pivotal and Wuertz request  
8 that all communications in connection with the above-captioned proceedings be directed to:

9 Karrin Kunasek Taylor, Esq.  
10 Biskind, Hunt & Taylor, P.L.C.  
11 11201 North Tatum Boulevard, Suite 330  
Phoenix, AZ 85028

12 RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of November, 2004.

13 BISKIND, HUNT & TAYLOR, P.L.C.

14 BY: Karrin K. Taylor  
15 Karrin Kunasek Taylor, Esq.

16  
17 Attorney for Proposed Intervenor Pivotal  
18 Sandia, LLC, an Arizona limited liability  
19 company, First American Title Company, a  
20 California corporation, as Trustee of its  
21 Trust No. 8572; First American Title  
22 Company, a California corporation, as  
23 Trustee of its Trust No. 8573; First  
24 American Title Company, a California  
25 corporation, as Trustee of its Trust No.  
26 8574; Wuertz Farming Limited Company,  
an Arizona limited liability company;  
Sundance Farms Limited Partnership, LLP,  
an Arizona limited liability partnership;  
McKinney Farming Company, an Arizona  
general partnership; Sarah Wuertz  
individually; Gregory Wuertz individually;  
Carol Wuertz Behrens individually; and  
David Wuertz individually

1  
2 ORIGINAL + 30 copies filed this  
3 15<sup>th</sup> day of November, 2004, with:

4 Arizona Corporation Commission  
5 Docket Control  
6 1200 West Washington Street  
7 Phoenix, AZ 85007

8 COPIES of the foregoing mailed this  
9 15<sup>th</sup> day of November, 2004, to:

10 Ernest G. Johnson, Director of Utilities  
11 Arizona Corporation Commission  
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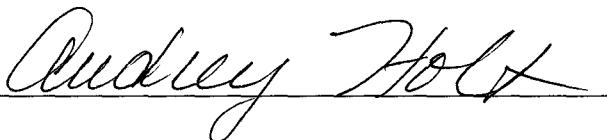
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